

REMARKS

In the May 31, 2003 Office Action, the Examiner rejected all of the claims of the present application under 35 USC 103. Specifically, independent claims 1, 17 and 18 have been rejected under 35 USC 103 in view of Davies et al. and Zhang et al. in view of the GolfAgent reference. Independent claim 21 has been rejected under 35 USC 103 in view of the GolfAgent reference and further in view of the Davies et al. and Zhang et al. references.

Applicant believes the present amendment defines the claims so as to overcome the references of record. The courtesy of the Examiner in granting a recent interview to Applicant is acknowledged with appreciation.

During the interview, Applicant and the Examiner discussed amendments to independent claims 17 and 21 which incorporated limitations that Applicant believes overcome the references of record. Applicant's reasoning that the claims as presently amended overcome the cited references follows.

THE PRESENT INVENTION

As discussed during the interview, the present invention simplifies the reservation process for users of recreational facilities by providing multiple users simultaneous access to reservation information for multiple facilities. The present invention also facilitates reservation filling for recreational facilities by exposing would-be participants to available reservations at multiple

facilities in menu-like format, as opposed to merely providing available reservation information for a single facility at a time. A user of the present invention can attempt to narrow the field of available reservations at multiple facilities using non-facility specific search requests. For example, a user can request that the present invention return selection options for all facilities having available reservations within a certain price range and between two specific time periods on a given day. By not being required to request available selection options for a specific facility at a time, the present invention provides greater efficiencies to the user. Once a user has reviewed available reservations, the present invention allows him or her to select a reservation and proceed to notify potential event partners. The user is thus provided with a wealth of options for selecting a facility and partners for an event.

By the present amendment, claims 1, 17, 18 and 21 have been amended, and new claims 22 and 23 have been added. No new matter is believed to have been added. Reconsideration of this application as amended is respectfully requested.

By the present Amendment, claims 1, 17, 18 and 21 have been amended to recite that the present invention receives a non-facility specific request from a user pertaining to a plurality of facilities for at least one selection option, and retrieves and transmits, based on the received request, at least one selection option pertaining to at least one available reservation from the database of reservation information. A selection option is at least time and date information for an activity at at least one facility. Support for such language can be found, for example, on page 14 of the provisional application to which priority is claimed, as well as pages 3 and 7 of the

specification filed December 28, 1999. As discussed during the interview, it is submitted that neither the Davies et al. nor the GolfAgent reference, taken either singly or in combination together or with any other cited reference, contemplates such a method or system as presently claimed. New claims 22 and 23 are dependent upon claims 17 and 21, respectively, and provide additional limitations corresponding to the notification aspect of the invention.

#### THE DAVIES ET AL. REFERENCE

For a prior art reference to obviate a claimed invention, the reference must suggest or teach the claimed invention. *In re Keller*, 642 F.2d 413 (CCPA 1981). Any modification or combination of references cannot change the principle of operation of the reference being modified or render it unsatisfactory for its intended purpose. See *In re Ratti*, 270 F.2d 810 (CCPA 1959) and *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1994).

The Davies et al. reference relates to a device which can connect to a single golf course's phone reservation system using a single line telephone (see Fig. 1, col. 3, lines 33-39). The purpose of the Davies et al. device is to replace the user having to call a golf course's phone reservation system by functioning "hands free" and "unattended" when performing the dedicated task (see col. 2 lines 58-61). The Davies et al. device is only capable of accessing a single golf course's reservation system at a time. No choices are provided to the user of the Davies et al. device; rather, the user blindly submits his or her desired preferences (see column 4, lines 20-40). There is thus no teaching of an active selection by the user from available reservation options in Davies et al. Even further, there is no teaching of receiving a user request for available reservation information,

transmitting the available reservation information to the user, and subsequently receiving the user's selection from the available reservation information. Thus, the Davies et al. reference teaches away from active user selection of available reservation times, as claimed in the present application.

#### THE GOLFAGENT REFERENCE

On pages 12, 14 and 15 of the Office Action, the Examiner has cited the GolfAgent reference as a basis for providing access to reservation information for a plurality of facilities. The GolfAgent reference explicitly describes the selection of a specific golf course, and upon that selection, the user is able to determine what reservations are available at that course. In order to render a claimed apparatus or method obvious, the prior art must enable one skilled in the art to make and use the apparatus and method. See *Beckman Instruments, Inc. v. LKB Produkter AB*, 892 F.2d 1547 (Fed. Cir. 1989). No functionality or working examples of GolfAgent were shown and none appear to exist to further inform the two page GolfAgent disclosure. Further, there is no mention, suggestion or teaching anywhere in the two GolfAgent pages of submitting a non-facility specific request for reservation times. The apparent international aim of the GolfAgent reference, as well as the apparent target user as one seeking a "destination" course, further teaches away from providing a golfer with simultaneous results related to a plurality of facilities.

Applicant submits that modifying the teaching of Davies et al by providing access to a plurality of facilities does not teach or suggest the present invention as presently claimed whereby a server receives a non-facility specific request for selection options related to a

plurality of facilities and returns results based on that request. The Davies reference teaches providing a user with the ability to program a phone to dial in to a specific facility's reservation system with a specifically requested reservation time and receive confirmation of the reservation without having to attend to the phone line. Incorporating access to a plurality of facilities as suggested by GolfAgent with the Davies teaching would not combine to teach or suggest the system or method of the presently claimed invention. Davies clearly teaches away from receiving a request for available reservations, providing options and receiving a selection from the user. Further, Davies and GolfAgent both teach making facility-specific inquiries for available reservation times.

Accordingly, Applicant submits that the claims as amended are not shown or made obvious by Davies et al., Zhang et al., or the GolfAgent, taken singly or in combination, and are allowable over the cited references. The remaining claims are dependent upon one of the amended independent claims and it is submitted that these dependent claims are similarly allowable over the cited references.

In view of the foregoing amendments and the remarks which follow, applicant submits that all of the claims of the present application are not anticipated or obviated by the cited references, taken singly or in combination, and are therefore allowable over the prior art of record. An early notice to that effect is earnestly solicited.

Applicant hereby submits \$18 to cover the cost of the newly added independent claim. A request for continued prosecution, along with the required fee, are also being filed simultaneously with this Amendment.

Respectfully submitted,

A handwritten signature in black ink, reading "Thomas F. Bergert". The signature is written in a cursive style with a large, stylized 'T' and 'B'.

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Applicant

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Attached: Request for continued examination  
Check for RCE and two additional dependent claims

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